

\$~Suppl.-4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 80/2021

NO. 083420182 L/CT. GEETA Petitioner

Through: Mr.M.K.Gaur, Advocate.

versus

UNION OF INDIA & ORS Respondents

Through: Mr.Shashank Bajpai with Ms.Shakun
Sudha and Mr.Dhananjay Tewari,
Advocates.

% Date of Decision: 11th January, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed challenging the order dated 24th November, 2011 whereby the disciplinary authority awarded the penalty of 'removal from service', which was modified vide order dated 09th February, 2012 of the appellate authority whereby the penalty was reduced to 'reduction of pay by three increments for a period of three years with cumulative effect', against which the petitioner's revision petition has been rejected vide order dated 21st February, 2020 on the ground of being 'time barred'. Petitioner also prays for a direction to the respondents to restore the pay of the petitioner in accordance with the relevant rules and

instructions on subject. The relevant portion of the impugned order dated 21st February, 2020 reads as under:-

“04. AND WHEREAS, I have meticulously examined the case. According to section 9(2A) of CISF Act 1968, the aggrieved person should prefer a revision petition within a period of six months from the date on which the appellate order is communicated to authority on 09.02.2012 and she acknowledged the same on 17.02.2012. Hence, the petitioner should have preferred the revision petition within a period of six months i.e., on or before 16.08.2012, but she has preferred the revision petition dated 20.12.2019 after lapse of more than 07 years and 10 months. In the revision petition, she has not stated any valid reason which prevented her from filing the revision petition within stipulated time. As stated by her in their revision petition, she lost her bag containing the entire set of the documents pertaining to the enquiry proceedings held against her for which she filed an FIR No. 1021 dated 13.09.2018 at Tajganj Police Station. Losing the documents in 2018 cannot be a valid excuse for not filing a revision on or before 16.08.2012.

05. THEREFORE, I am unable to condone the inordinate delay of more than 07 years and 10 months in filing the revision petition and hence, without going into the merits of the case, I hereby REJECT the revision petition as “TIME BARRED.”

3. Learned counsel for the petitioner states that the petitioner had lost the documents of the departmental proceedings and the same were made available after the order of this Court in WP(C) 5134/2019. He states that it was only thereafter that the petitioner was able to file the revision petition. He emphasizes that the revision petition had been rejected by the reviewing authority only on the grounds of limitation and the other contentions raised by the petitioner had not been appreciated at all.

4. This Court finds that there has been an inordinate delay in filing the revision petition which has not been adequately explained by the petitioner. The petitioner has taken a vague plea that because certain documents were lost and the petitioner was posted in remote places that she was unable to file the revision petition. This Court is unable to accept the same. It is settled law that the law favors the vigilant and not the indolent. The Supreme Court in ***Municipal Council, Ahmednagar & Anr. Vs. Shah Hyder Beig and Ors., (2000) 2 SCC 48*** has held as under:-

“14.It is now a well-settled principle of law and we need not dilate on this score to the effect that while no period of limitation is fixed but in the normal course of events, the period the party is required for filing a civil proceeding ought to be the guiding factor. While it is true that this extraordinary jurisdiction is available to mitigate the sufferings of the people in general but it is not out of place to mention that this extraordinary jurisdiction has been conferred on to the law courts under Article 226 of the Constitution on a very sound equitable principle. Hence, the equitable doctrine, namely, “delay defeats equity” has its fullest application in the matter of grant of relief under Article 226 of the Constitution. The discretionary relief can be had provided one has not by his act or conduct given a go-by to his rights. Equity favours a vigilant rather than an indolent litigant and this being the basic tenet of law, the question of grant of an order as has been passed in the matter as regards restoration of possession upon cancellation of the notification does not and cannot arise.....”

5. Keeping in view the aforesaid settled position of law as well as the fact that the petitioner has failed to provide any reasonable cause for the delay of nearly eight years in filing the revision petition, we find no infirmity in the impugned order. Consequently, the present petition is dismissed.

6. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

ASHA MENON, J

JANUARY 11, 2021
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